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In re Application of ZUPANICK, JOSEPH A.
Appl. No.: 10/630345
Filed: July 29, 2003
For: METHOD AND SYSTEM FOR ACCESSING
SUBTERRANEAN DEPOSITS FROM THE SURFACE
AND TOOLS THEREFOR

**RESPONSE TO PETITION
UNDER 37 CFR 1.59**

This is a decision on the petitions under 37 CFR 1.59(b), filed January 18, 2008 and July 6, 2009, to expunge information from the above identified application.

The petition is **GRANTED**.

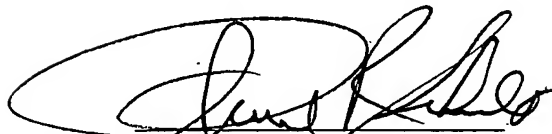
Petitioner requests that the court documents from the *CNX Gas Corporation vs. CDX Gas, LLC*, Civil Action No. 05-1574, filed January 18, 2008, be expunged from the record. Petitioner also requests that materials disclosed in the Information Disclosure Statement filed July 6, 2009, be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petitions fees set forth in 37 CFR 1.17(g) has been paid.

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material is voluminous and thus a burden for it to be returned with this decision. Petitioner has agreed to have the USPTO destroy or shred the material.

Any questions regarding this decision should be directed to Supervisory Patent Examiner David Bagnell at (571) 272-6999.

A handwritten signature in black ink, appearing to read 'Frederick Schmidt', is written over a horizontal line.

Frederick Schmidt, Director
Patent Technology Center 3600
(571) 272-5150

FS/db: 1/13/10